

AMENDED IN ASSEMBLY AUGUST 8, 2006
AMENDED IN ASSEMBLY JUNE 26, 2006
AMENDED IN ASSEMBLY JUNE 19, 2006
AMENDED IN ASSEMBLY SEPTEMBER 2, 2005
AMENDED IN ASSEMBLY JULY 7, 2005
AMENDED IN SENATE MAY 11, 2005
AMENDED IN SENATE APRIL 25, 2005

SENATE BILL

No. 1056

Introduced by Senator Florez

(Principal coauthors: Assembly Members Matthews and Maze)

**(Coauthors: Senators Cedillo and ~~Denham~~, *Denham*, and
Maldonado)**

(Coauthors: Assembly Members Arambula, Calderon, Canciamilla,
Cogdill, Garcia, La Malfa, Negrete McLeod, Parra, Plescia, Salinas,
Torrico, and Villines)

February 22, 2005

An act to add Sections 6901.5 and 52251.5 to the Food and
Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1056, as amended, Florez. Agriculture.

Existing law generally regulates nursery stock and provides that the
Secretary of Food and Agriculture shall provide for periodic
inspection of nurseries and may prescribe standards for cleanliness of
nursery stock sold or produced in the state.

Existing law, the California Seed Law, generally regulates seed sold in California to ensure that seed purchased by the consumer-buyer is properly identified and of the quality represented on the tag or label.

This bill would state that these provisions of law relating to nursery stock and seed are of statewide concern and occupy the entire field of regulation regarding registration, labeling, sale, storage, transportation, distribution, notification of use, and use of nursery stock and seeds to the exclusion of local regulations. This bill would also provide that these provisions do not apply to local ordinances or regulations ~~enacted~~ *acted upon by the voters or a legislative body of local government* prior to July 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6901.5 is added to the Food and
2 Agricultural Code, to read:

3 6901.5. (a) Except as otherwise provided or authorized in
4 this code, the provisions of this chapter are of statewide concern
5 and occupy the entire field of regulation regarding the
6 registration, labeling, sale, storage, transportation, distribution,
7 notification of use, and use of nursery stock to the exclusion of
8 all local regulations. Except as otherwise provided or authorized
9 in this code, no ordinance or regulation of any political
10 subdivision may prohibit or in any way attempt to regulate any
11 matter relating to the registration, labeling, sale, storage,
12 transportation, distribution, notification of use, or use of nursery
13 stock.

14 (b) The provisions of subdivision (a) do not apply to
15 ordinances or regulations lawfully ~~enacted by a local government~~
16 *acted upon by the voters or a legislative body of local*
17 *government* prior to July 1, 2006.

18 (c) Nothing in this chapter shall be construed to be a limitation
19 on the authority of a state agency or department, in consultation
20 with the secretary, to enforce or administer any law that the
21 agency or department is authorized or required to enforce or
22 administer.

23 SEC. 2. Section 52251.5 is added to the Food and
24 Agricultural Code, to read:

1 52251.5. (a) Except as otherwise provided or authorized in
2 this code, the provisions of this chapter are of statewide concern
3 and occupy the entire field of regulation regarding the
4 registration, labeling, sale, storage, transportation, distribution,
5 notification of use, and use of seeds to the exclusion of all local
6 regulations. Except as otherwise provided or authorized in this
7 code, no ordinance or regulation of any political subdivision may
8 prohibit or in any way attempt to regulate any matter relating to
9 the registration, labeling, sale, storage, transportation,
10 distribution, notification of use, or use of seeds.

11 (b) The provisions of subdivision (a) do not apply to
12 ordinances or regulations lawfully ~~enacted by a local government~~
13 *acted upon by the voters or a legislative body of local*
14 *government* prior to July 1, 2006.

15 (c) Nothing in this chapter shall be construed to be a limitation
16 on the authority of a state agency or department, in consultation
17 with the secretary, to enforce or administer any law that the
18 agency or department is authorized or required to enforce or
19 administer.